

IN THE CLAIMS

Please amend the claims as follows:

1. (CURRENTLY AMENDED) A rail barricade comprising:
 - a frame including a first vertical rail, a second vertical rail, and a top rail;
 - a bottom rail including a first end that is secured to said first vertical rail and a second end that is each secured to one of said second vertical rail rails;
 - a plurality of vertical spokes each secured to said top rail and said vertical bottom rail; and
 - a first foot pivotally attached to a bottom of said first vertical rail and said rail barricade;
 - a second foot pivotally attached to a bottom of said second vertical rail said rail barricade;
 - and
 - at least two hooks attached to said first vertical rail, each of said at least two hooks including an opening, and each opening is located on a common side of said rail barricade.
2. (CURRENTLY AMENDED) The rail barricade as recited in claim 1 wherein said first foot is attached to said first vertical rail and said second foot is attached to said second vertical rail, and said first vertical rail has a first rail length and said second vertical rail has a second rail length, and said first rail length is greater than said second rail length, and said first foot has a first foot height and said second foot has a second foot height, and said second foot height is greater than said first foot height.
3. (CURRENTLY AMENDED) The rail barricade as recited in claim 1 wherein said first foot and said second foot are each pivotal approximately 90° between an in-use position and a storage position, and said first foot and said second foot are substantially perpendicular to said top rail and said bottom rail when said first foot and said second foot are in said in-use position and said first foot and said second foot are substantially parallel to said top rail and said bottom rail when said first foot and said second foot are in said storage position.

10/624,263
67086-003

4. (CURRENTLY AMENDED) The rail barricade as recited in claim 1 wherein said first foot and said second foot ~~both~~~~each~~ include a vertical portion, and said vertical portion is inserted into one of said first vertical rail and said second vertical rail, and said vertical portion further includes ~~stem~~ having a pair of opposing cutouts, wherein said vertical stem of said first foot is inserted in to said first vertical rail and said vertical stem of said second foot is inserted into said second vertical rail.

5. (CURRENTLY AMENDED) The rail barricade as recited in claim 4 wherein said pair of opposing cutouts are each substantially ~~ye~~~~out~~ is z-shaped.

6. (CURRENTLY AMENDED) The rail barricade as recited in claim 4 further including a tube having a vertical slit and a hole, and said tube is positioned between said vertical portion ~~stem of said first foot~~ and ~~one~~~~of~~ said first vertical rail and ~~is~~ position between ~~said vertical stem of said second foot~~ and said second vertical rail.

7. (CURRENTLY AMENDED) The rail barricade as recited in claim 4 further including an attachment member inserted into said ~~extout~~~~pair of opposing cutouts of said vertical stem~~ of each of said first ~~foot~~~~vertical rail~~ and said second ~~foot~~~~vertical rail~~ to secure ~~each~~~~of~~ said first foot to ~~said first vertical rail~~ and to secure said second foot to ~~said first vertical rail~~ and ~~said second vertical rail~~, respectively.

8. (CURRENTLY AMENDED) The rail barricade as recited in claim 1 wherein said first end and said second end of said bottom rail each ~~including~~~~have~~ an end curvature ~~and~~ ~~said first vertical rail and said second vertical rail each have a rail curvature that corresponds~~ is shaped to correspond to ~~said end rail curvature of said first vertical rail and said second vertical rail~~.

10/624,263
67086-003

9. (CURRENTLY AMENDED) The rail barricade as recited in claim 1 wherein said first end and said second end of said bottom rail each include a projection and said first vertical rail and said second vertical rail each include a notch, and said projection of said first vertical end of said bottom rail is received in said notch of said first vertical rail and said projection of said second vertical end of said bottom rail is received in said opening notch of said second vertical rail.

10. (ORIGINAL) The rail barricade as recited in claim 9 wherein said bottom rail is secured to said first vertical rail and said second vertical rail by a weld bead.

11. (CURRENTLY AMENDED) The rail barricade as recited in claim 1 wherein each of said plurality of vertical spokes are attached to said top rail and said bottom rail by welding a weld head.

12. (CANCELLED)

13. (CURRENTLY AMENDED) The rail barricade as recited in claim ~~12-1~~ further including a second rail barricade, and said at least ~~one hook secures~~two hooks secure said second rail barricade to said rail barricade.

14. (CURRENTLY AMENDED) The rail barricade as recited in claim ~~12-13~~ wherein said second rail barricade is pivoted approximately 30° relative to said rail barricade to attach said second rail barricade to said rail barricade and to remove said second rail barricade from said rail barricade.

10/624,263
67086-003

15. (CURRENTLY AMENDED) A rail barricade comprising:

a frame including a first vertical rail, a second vertical rail, and a top rail having a plurality of top holes;

a bottom rail including a plurality of bottom holes, a first end secured to said first vertical rail and a second end secured to said second vertical rail; and

a plurality of vertical spokes each having a substantially circular cross-section and including a top end shaped to fit in one of said top holes and a bottom end shaped to fit in one of said bottom holes, and ~~at least one of said top end and said bottom end includes an enda flat~~ surface that engages a corresponding ~~hole-surface~~flat portion in one of said plurality of top holes and one of said plurality of ~~vertical~~bottom holes to prevent rotation of each of said plurality of vertical spokes.

16. (CURRENTLY AMENDED) The rail barricade as recited in claim 15 wherein each of said plurality of bottom holes of said bottom rail includes a ~~said flat portions~~ surface and said bottom end of each of said vertical spokes includes a ~~said flat surface~~ portion, and said flat surface engages said flat portion to prevent rotation of said vertical spokes.

10/624,263
67086-003

17. (CURRENTLY AMENDED) A method of forming a rail barricade comprising the steps of:

~~providing a frame including a first vertical rail, a second vertical rail, and a top rail having a plurality of top holes;~~

~~providing a bottom rail including a plurality of bottom holes, a first end, and a second end;~~

~~pivottally attaching a first foot to said first vertical rail a frame; and~~

~~pivottally attaching a second foot to said second vertical rail frame;~~

~~providing a plurality of vertical spokes each including a top end;~~

~~inserting said a top end of each of a plurality of said vertical spokes into one of said a plurality of top holes of said a top rail of said frame;~~

~~inserting said a bottom end of each of said plurality of vertical rail spokes into one of said a plurality of bottom holes of said a bottom rail; and~~

~~securing said a first end and said a second end of said bottom rail to said first vertical rail and said second vertical rail, respectively; and~~

~~securing at least two hooks to a first vertical rail of said frame, each of said at least two hooks including an opening, and each opening is located on a common side of the rail barricade.~~

18. (CURRENTLY AMENDED) The method as recited in claim 17 wherein said first foot and said second foot are pivotal approximately 90° between an in use position and a storage position.

19. (CURRENTLY AMENDED) The rail barricade method as recited in claim 17 wherein the step of securing includes welding.

20. (NEW) The rail barricade as recited in claim 1 wherein said frame is integrated into a single piece.

21. (NEW) The rail barricade as recited in claim 1 wherein a second rail barricade is receivable in said opening of each of said at least two hooks.

10/624,263
67086-003

22. (NEW) The rail barricade as recited in claim 21 wherein said second rail barricade is pivoted about a longitudinal axis of a vertical rail of said second rail barricade to attach said second rail barricade to said rail barricade, said vertical rail of said second rail barricade is inserted into said opening of each of said at least two hooks of said rail barricade, and said second rail barricade is pivoted in a reverse direction to secure said second rail barricade to said rail barricade.

23. (NEW) The rail barricade as recited in claim 22 wherein said second rail barricade is pivoted approximately 30° relative to said rail barricade.

24. (NEW) The rail barricade as recited in claim 1 wherein each of said plurality of vertical spokes has a substantially circular cross-section.

25. (NEW) The rail barricade as recited in claim 24 wherein each of said plurality of vertical spokes includes an end having a flat portion.

26. (NEW) The rail barricade as recited in claim 1 wherein said first foot and said second foot are each substantially u-shaped.

27. (NEW) The rail barricade as recited in claim 1 wherein said first vertical rail includes a first bottom and said second vertical rail includes a second bottom, and said first foot is attached to said first bottom of said first vertical rail and said second foot is attached to said second bottom of said second vertical rail.

28. (NEW) The rail barricade as recited in claim 14 wherein said second rail barricade includes a vertical rail having a longitudinal axis, and said second rail barricade is pivoted about said longitudinal axis of said vertical rail of said second rail barricade.

29. (NEW) The rail barricade as recited in claim 15 further including at least two hooks having opening that are each located on a common side of said rail barricade, and said at least two hooks are attached to said first vertical rail.

10/624,263
67086-003

30. (NEW) The rail barricade as recited in claim 29 further including a second rail barricade that is received in said opening of each of said at least two hooks, and said second rail barricade is pivotable about a longitudinal axis of a vertical rail of said second rail barricade to be attached to and removed from the rail barricade.

31. (NEW) The method as recited in claim 17 further including the steps of preventing rotation of each of said plurality of vertical spokes relative to said top rail and said bottom rail, and each of said plurality of vertical spokes have a substantially circular cross-section and an end with a flat portion that engages a flat surface in one of the plurality of top holes and the plurality of bottom holes.

32. (NEW) The method as recited in claim 17 further including the step of attaching a second rail barricade to said rail barricade and the step of attaching includes pivoting the second rail barricade in a first direction about a longitudinal axis of a vertical rail of said second rail barricade, inserting the vertical rail of said second rail barricade in said opening of each of said at least two hooks and pivoting said second rail barricade in an opposing direction about the longitudinal axis.

33. (NEW) The method as recited in claim 32 where said second rail barricade is pivoted approximately 30°.